

CITY COUNCIL

Committee of the Whole

Monday, February 11, 2013

Council Office

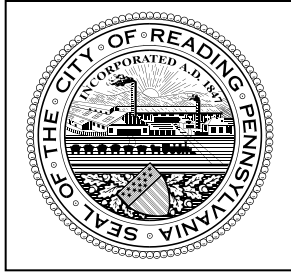
5:00 pm

Agenda

Although Council committee meetings are open to the public, public comment is not permitted at Council Committee of the Whole meetings. However, citizens are encouraged to attend and observe the meetings. Comment from citizens or professionals during the meeting may be solicited on agenda topics via invitation by the President of Council.

All electronic recording devices must be located behind the podium area in Council Chambers and located at the entry door in all other meeting rooms and offices, as per Bill No.27-2012

- I. Laureldale IMA (C. Snyder)**
- II. Review and Amend Lease Agreements for City owned properties used by outside organizations**
- III. Formation of Charter Review Commission**
- IV. Agenda Review**



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
January 28, 2013
5:00 P.M.

COUNCIL MEMBERS PRESENT:

D. Sterner, S. Marmarou, D. Reed, M. Goodman-Hinnershitz, R. Corcoran, F. Acosta, J. Waltman

OTHERS PRESENT:

L. Kelleher, S. Katzenmoyer, C. Younger, D. Cituk, C. Snyder, C. Zale, R. Johnson

The Committee of the Whole meeting was called to order at 5:11 pm by Council President Acosta.

I. Laureldale IMA

Ms. Snyder stated that Laureldale has signed their IMA. She stated that Laureldale is the second municipality to sign. The IMA is on Council's agenda this evening for introduction. She stated that there are small differences from the Muhlenberg IMA and that the differences will be reviewed with Muhlenberg. She stated that the changes clarify the calculation of EDUs and billing issues. She stated that they are not material changes and that after all IMAs are signed, any differences will be added to all IMAs so they are consistent. She stated that with Reading, Muhlenberg and Laureldale, 80% of waste water is covered.

Ms. Snyder stated that Mr. Miravich is available for questions if needed.

Ms. Reed expressed her thanks to all for their work on the IMAs.

II. Agenda Review

Ms. Katzenmoyer stated that Bill Thompson, recently elected President of the Reading Chapter NAACP will be accepting the commendation this evening.

Ms. Goodman-Hinnershitz noted the need to commemorate the life of Frank Gilyard.

Council reviewed this evening's agenda including the following:

- Ordinances transferring funds from the General Fund to Liquid Fuels and to Solid Waste

Mr. Corcoran questioned why this was necessary. Ms. Snyder stated that it is a timing issue. Mr. Zale stated that liquid fuels funds are needed for winter snow removal and salt but that funds have not yet been received.

- Ordinance adding a bakery health inspection fee

Ms. Katzenmoyer explained that when the fees were recently updated, this fee was mistakenly removed. She stated that there are several establishments in the City that are only bakeries and that this fees needs to be reinstated.

Ms. Goodman-Hinnershitz questioned if the pretzel bakery on Bell Alley was inspected.

- Ordinance refinancing the Reading Fightin' Phils loan

Ms. Snyder stated that she had a recent conversation with Mr. Vind and that he is requesting the ordinance be tabled this evening.

- Ordinance amending the Diversity Board

Mr. Acosta questioned why the amendment is necessary. Ms. Kelleher stated that this amendment will set meetings quarterly and will adjust the membership.

Mr. Waltman noted the importance of receiving timely updates from this Board.

Ms. Snyder stated that there were quorum issues in the past.

Ms. Kelleher stated that Ms. Oxendine is also having a conversation with the FOP and IAFF as AFSCME is included in membership but that the FOP and IAFF are not.

Mr. Waltman stated that this Board was established as a step to disband the Police and Fire Diversity Boards which were mandated by Court order.

Mr. Acosta questioned when the next meeting of this Board would take place. Ms. Kelleher stated that Ms. Oxendine will convene a meeting after the amendment is enacted by Council.

Mr. Waltman noted the importance of this Board being productive.

Mr. Acosta agreed with Mr. Waltman and stated that this is especially true since the City no longer has a full-time Diversity employee in Human Resources.

Ms. Goodman-Hinnershitz stated that this Board should strive to have visible outcomes. She stated that the City talks about diversity but that it is not visible.

Mr. Acosta stated that this is one reason why the composition of the Board is so important.

Mr. Waltman suggested that those chosen to serve on this Board should be people who represent the community and those who can affect change. Ms. Snyder agreed and stated that this was missing in the past.

Mr. Acosta stated that he has never understood the purpose of the Police Diversity Board.

Ms. Kelleher stated that several amendments need to be made to the agenda:

- Remove Resolution D as the item is covered elsewhere on the agenda
- Add an ordinance for introduction to amend the 2013 Position Ordinance to add positions in the Department of Fire and Rescue Services in the event that the SAFER Grant is accepted
- Add a contract award to the Consent Agenda for the cleaning of the digesters at the WWTP

Mr. Johnson stated that DEP and EPA have mandated that the digesters be improved. He stated that they must be cleaned before it can be determined what repairs are needed.

Mr. Johnson reviewed the bid results and stated that the Administration recommends Spectraserv, Inc at a cost of \$880,000.

III. Main Street Update

The Committee of the Whole meeting moved to the Penn Room.

L. Murin, L. Agudo, T. Ramirez, M. Colon, J. London, C. Broad, V. Spencer, and B. Fichthorn joined the meeting at this time.

Mr. Broad reviewed the Main St process to date. He stated that a Main Street Board was established by Council in 2010. He stated that Main St will pull many past reports together to unify the vision. He stated that many groups will coordinate efforts to make this project successful.

Mr. Broad stated that approval to submit the application for Main Street designation is on Council's agenda this evening. He stated that after designation is received, grants can be secured. He described the types of grants available and the fund amounts. Up to \$2 million is available.

Mr. Broad stated that there are currently five Committees working on Main Street – Design, Promotion, Organization, Economic Restructuring, and Safe, Clean & Green. He stated that there are over 100 volunteers on the committees.

Mr. Broad reviewed the map of the Main Street area. He stated that the DID area is too large and that from 2nd – 11th St along Penn St is also too large. He stated that PA DCED has recommended 2nd – 7th St along Penn St and N 5th St from Walnut – Chestnut Sts.

Mr. Broad stated that the vision statement explains where the City wants Main Street to be in five years. He stated that a five year plan has been drafted along with steps to move forward.

Ms. London reviewed the legislation before Council this evening. She stated that DID is the most appropriate administrator of Main Street and the Executive Director of DID will serve as the Program Manager of Main Street as the two have much in common. She stated that the legislation will amend Main Street and DID and the DID agreement to move the process forward. She stated that in addition, resolutions to submit the application and to name DID as the administrator are also on Council's agenda this evening. She stated that the DID Board has already approved the necessary resolutions.

Ms. London stated that the amendments will increase the payment to DID by an additional \$1,000 per month for the increased responsibilities.

Mr. Lloyd arrived at this time.

Ms. London recommended that the legislation be passed by Council this evening.

Ms. Goodman-Hinnershitz stated that communication will be key to moving forward. She stated that under this new umbrella, all should know and understand who is responsible for what. She stated that coordination is needed and requested a list of the membership of all committees.

Mr. Marmarou stated that a similar project was done in the 1930's. He stated that the biggest mistake made then was that there was no knowledge of ownership of the buildings. He noted the need to prevent another round of mass demolitions.

Mr. Broad stated that the Economic Restructuring Committee will be completing a full inventory of buildings along with their ownership and usage. Mr. Colon, chair of the Economic Restructuring Committee, stated that he shares Mr. Marmarou's concerns and stated that this is a top priority for the Committee. He noted the need to bring property owners into the process.

Mr. Marmarou stated that City residents should own and operate businesses in the downtown area. Mr. Broad agreed and stated that when residents can see improvement in the quality of downtown, people will want to move in.

Ms. Goodman-Hinnershitz stated that she has seen very slow improvement recently. She stated that businesses in the 500 block of Penn St are now open evenings and weekends. Mr. Broad agreed and stated that a more cooperative effort will increase hours and add additional business hours in the evening and weekends.

Mr. Waltman stated that this proposal was already reviewed by Committee. He noted the need to show the positive history of Reading and that the railroad should be a dominant feature. He noted that in the past the openness of the downtown made it special and he proposed that it be re-opened and the circle re-installed at 5th & Penn. He noted his support of the inventory process and suggested that the Committees begin at the end of the five year plan and work backward to ensure that plans are implemented in ways that new businesses relocate downtown and bring additional patrons.

Mr. Acosta questioned legislation needed to implement the vision. He stated that there are businesses on Penn St who do not belong in that location. Mr. Broad stated that legislation is unknown at this time. He stated that guidelines are being prepared and that Council will be contacted in the future when the needs are known.

Mr. Acosta requested regular updates. He noted the need to keep communication open so that all needs can be met. Mr. Broad expressed the belief that work will progress quickly.

Mr. Broad noted the need to include residential uses in the downtown. He stated that outside consultants are not needed to determine the Penn St plan. He stated that this must be a grassroots effort.

Mr. Acosta stated that the Housing Authority has added homes in the 1000 block of Penn St. He suggested that this be done in the Main St area. Ms. Kelleher and Mr. Corcoran stated that this project has not been successful for the Housing Authority as only one of the homes sold.

Mr. Waltman stated that Lancaster is booming. He stated that their plan has been simple and successful. He suggested that Reading has what it needs but that it's been covered up over the years. He noted the need for long-term commitments to businesses that are willing to relocate.

Ms. Reed stated that the streetscape of Penn St is still similar to that of the 1930's. She stated that it is simple and basic and that there was more parking in the past.

Mr. Marmarou suggested investigating why the housing project in the 1000 block of Penn St was not successful. Mr. Cituk explained that four homes were built and one is occupied. He stated that the project was affected by the economic downturn. Ms. Reed stated that the cost of the homes also played a part. Ms. Kelleher stated that the cost combined with the state of the rest of the neighborhood also affected the project.

Ms. Snyder stated that she has spoken with the DCED Downtown Center and stated that they told her that the Reading plan was the best and most organized effort she has seen. She stated that the State is pulling for Reading to gain designation and that they were very impressed with the results of the survey. She stated that this shows strong support to the application and that there is momentum building. She thanked all for their work.

Mr. Marmarou stated that he has books showing the history of Reading and all that was here. He stated that there were many conventions and businesses in downtown.

Ms. Goodman-Hinnershitz stated that she has worked downtown many years. She stated that she used to use her lunch break to shop but that she doesn't anymore as there is nothing downtown that she needs. She stated that the hotel project is

promising but noted the need for visitors to the hotel to have walkable places to shop, eat and visit. She noted the need to address Maria's.

Mr. Acosta stated that he was at an event at the Wyndham recently and the staff there did a great job explaining places to visit and local safety. He stated that many were directed to locations outside the City and noted the need to address this to keep visitors in Reading.

Ms. Goodman-Hinnershitz stated that a large concert was in town on Friday and many Reading restaurants were completely booked. She suggested that this may be why some visitors were directed outside the City.

Mr. Broad stated that Scranton has monthly meetings with area hotel staff to tour and receive an update on local establishments so that they can direct visitors appropriately. He stated that this would be great for Reading to implement and stated that establishments must then be open for visitors.

Mr. Acosta stated that it is his tradition when vacationing to visit localities within a short distance of the hotel. He stated that outsiders to a location do not have the negative perception that locals have.

Mr. Broad noted his hope to have electronic kiosks at major tourist locations to allow visitors to see what other options are available and where they are located. He stated that he also hopes to acquire a mobile cart that would move from event to event with brochures and advertisements for local businesses and events. He stated that the cost of the cart is \$14,000.

Ms. Reed stated that ancillary businesses should begin to appear around the Sovereign Center and Performing Arts Center. She noted the need for new businesses to be appropriate.

Mr. Spencer thanked the many volunteers including DID, Mr. Broad, and Mr. Agudo. He stated that in the past the City was the place to go and many came. He stated that now there are many places to go and that the City must give people a reason to come. He stated that the Main St plan and implementation is ready and noted the need for Council and the Administration to work cooperatively with DID as this is a great opportunity that will become reality.

Mr. Acosta reminded all about the votes scheduled this evening regarding this project.

IV. Pagoda Foundation

The Committee of the Whole meeting returned to the Council office at this time.

Ms. Goodman-Hinnershitz stated that there has been much information about this topic and it is important for all to be on the same page. She stated that there has been much activity in this area over the last ten years. She stated that the Berks Arts Council was the last full-time resident of the Pagoda and that after they moved out it became unsettled and disheveled.

Ms. Goodman-Hinnershitz explained that former Mayor McMahon began a capital campaign for improvements to the Pagoda through the "Pennies for the Pagoda" program. She stated that this program was very successful and that a fund was established for donations. She stated that approximately \$35,000 was raised to cover costs of items that were needed but could not be paid by the City. She stated that a full-time manager was paid with City funds.

Ms. Goodman-Hinnershitz stated that she began to imagine a Pagoda Foundation in 2008 and stated that Council passed a resolution supporting and endorsing the concept. She stated that a task force was formed at that time.

Ms. Goodman-Hinnershitz stated that in 2011 the task force began to work more heavily and many donations were received. She stated that approximately 30,000 visitors come to the pagoda annually. She stated that the task force worked with the City's Law Department to become a corporation and to file for non-profit status. She stated that they are now looking for a lease agreement with the City.

Ms. Goodman-Hinnershitz stated that she would like a timeline written with this history. She stated that volunteer efforts at the Pagoda have thrived.

Ms. Goodman-Hinnershitz described a situation in which the manager went to the Pagoda to find the oil tank empty the day before a large event. She stated that there is no one from the City to monitor items like this and she noted her concern that had someone not visited there could have been major maintenance issues from the lack of heat. She stated that the Pagoda is a work-intensive landmark.

Ms. Goodman-Hinnershitz stated that the article in the newspaper about the Foundation contained inaccurate information. Mr. Spatz from the Reading Eagle stated that the errors were the result of editing.

Mr. Waltman stated that this topic was discussed in Committee. He stated that it seems the Foundation needs assistance with operations. He stated that the Foundation needs a vision, scope and financial information before moving forward. He noted the need for communication with the Mayor. He stated that at this point operational costs and capital costs are unknown. He stated that this is still conceptual and that a lease agreement is not the next step. He stated that the scope and vision will be needed before legal documents are drafted.

Mr. Marmarou questioned why the City's contracted oil company did not fill the tank. Ms. Snyder stated that the City transferred suppliers and that this fill-up was missed.

Mr. Spencer stated that there are two issues which concern him about the Pagoda Foundation. He stated that the costs will be compiled by Ms. Snyder and Mr. Bembenick. He stated that there are also issues with how City contracts are monitored and the expenditure of the "Pagoda Pennies" program.

Mr. Younger stated that these issues are executive session material. He stated that a lease agreement and a personnel issue would be discussed. Mr. Acosta read Section 708 (a) #1 and #3 of the PA Sunshine Law.

Council entered executive session at 6:40 pm and exited at 7:13 pm.

The Committee of the Whole meeting adjourned at approximately 7:13 pm.

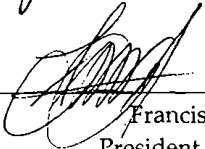
*Respectfully Submitted by
Linda A. Kelleher, CMC, City Clerk*

RESOLUTION NO. Xp 2012

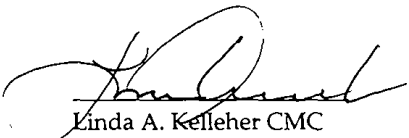
THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

In accordance with Section 1203 of the City of Reading Home Rule Charter, the majority of Council authorizes the formation of a Charter Review Commission to be appointed. The Commission shall be made up of eleven (11) members, seven (7) members to be appointed by City Council and four (4) members to be appointed by the Mayor, with Council approval. Those appointed shall be current residents and voters of the City of Reading and the majority of the eleven (11) appointed shall not be City officials or employees.

Adopted by Council April 9, 2012


Francis G. Acosta
President of Council

Attest:


Linda A. Kelleher CMC
City Clerk

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original passed by the Council of the City of Reading, on the day of A. D. 2012. Witness my hand and seal of the said City this 10 day of April, A. D. 2012.


CITY CLERK

City of Reading Charter Revisions

ADDITIONS

- 1) Article II Council Section 213 - Add terminology to reflect that public comment/input is not permitted at work sessions and committee meetings - Public input/comment may be granted by the President of Council, Committee Chair or majority of Council/Committee if the subject directly pertains to agenda topic.**
- 2) Article II Council New Section - Define Council's ability and authority to place matters on referendum (See Referendum Handbook)**
- 4) Article II Section 224 Action By Resolution or Motion - City Council, through the adoption of any resolution or motion, may set policy that requires Administrative action**
- 8) Article II Council New Section - Add language regarding provisions and rules for "abstaining from the vote" during a Council Meeting - an abstention should be recorded as a "No" vote.**
- 10) Article V City Auditor - Section 504 - add (d) is absent from three consecutive regular meetings of Council - add removal provisions. (See DCA Recommendations #6 make non-elected position falling under Council)**
- 11) Article V City Auditor - more specific job duties ie. define types of reports to be submitted to Council, define number of internal audits to be done each quarter and better define role Auditor plays with the Administration and Council - define responsibilities/requirements (See DCA Recommendations #6 - make non-elected position falling under Council)**

12) Article VIII Solicitor - Add responsibilities- define role and mission

13)Article IX Financial Procedures - Section 915 - Add language to reflect that City companies and corporations should be given preference in the awarding of contracts and services. Also a "discount" could be offered.

CORRECTIONS

1) Article II Council Section 225 - More comprehensive definition of City Clerk's role and responsibilities; add provision giving Council authority to expand and define staffing of Council office

2) Article II Council Section 209 (e) - Add language to state that Department Directors may not be terminated or removed without a majority vote of Council. Correct to read "Council Members shall not dictate the appointment of any City administrative appointed office. Department Directors cannot be terminated or removed from office without the approval of Council. (See DCA Recommendation #1)

3) Article 11 Council - define Council's role, responsibility, and ratification authority in negotiating process of labor contracts

4) Article III Executive Branch Section 309 (b) - should state "Mayor shall appoint members to Boards Authorities and Commissions, as defined by state statute, with the approval by majority vote of Council."

5) Article V City Auditor - Section 503- states Auditor shall attend or be represented at all Council meetings - does not define penalty for not attending

6) Article VII - Personnel System Section 703 Personnel Code - Requires attachment of Job Descriptions - remove requirement to have job descriptions and salaries attached. (Pa. Law requires job descriptions to be updates every 2 years)

7) Article VIII City Solicitor - Clarification on Solicitor position - full, part-time or use of a law firm with one designated party to act as the City Solicitor

8) Article IX Financial Procedures Section 911 Section 911 C 1 & 2 incorrectly referenced - should be Section 911 D (1) & (2)

9) Article IX Financial Procedures Section 915- Process (a) & (b) - subsection (2)(d) is referenced; however, there is no notation on where (2)(d) comes from

10) Article IX Financial Procedures Section 915 (e) - states "All contracts shall be kept on file in the City Auditor's Office" - at present orig. contracts are kept in City Clerk's office

11)Article IX Financial Procedures - External audit information and report initially presented to City Council, as Council retains and employs the external auditor

12) Article X Boards & Commissions - Section 1002 - Clarification on Council's approval or disapproval of an appointee to a Board, Authority or Commission by the Mayor. Change Section 1002 (a) to include language pertaining to Council appointment authority when mandated by state or federal law.

13)Article XI Citizen's Rights & Participation Section 1104(e) Initiative & Referendum; Petitions - Add process to certify signatures

14) New Section Removal Due To Incapacity - Whenever any City official, whose election or appointment is provided for by this Charter, shall by reason of serious mental or physical disability be unable to discharge the duties of his office for a protracted period of time, such official may be removed after a public hearing, upon the affirmative vote of a super majority of the members of Council and in the event of such a removal, such official shall be succeeded as provided by the provisions set forth in this Charter. (Check State provisions)

15) Charter should reference 3rd Class City Code or other applicable legislation or case law throughout

17) Home Rule law assumes/or specifies that the Home Rule government can make their own rules. Dillon's Rule from 1860's states that municipalities cannot do anything the State has not defined in writing. Exceptions are those areas that apply to all cities equally.

18) Recall - Removal From Office for reasons other than specified not permitted under State Law